

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:24-cv-00072-MR
BANKRUPTCY CASE NO. 1-23-bk-10104**

IN RE:

KIM LOUISE HARPER

KIM L. HARPER,

Appellant,

vs.

**DAVID SCHULTE, VACATION
PROPERTIES, LLC, and PAT DOES
1-10,**

Appellees.

**MEMORANDUM OF
DECISION AND ORDER**

THIS MATTER is before the Court on the Appellant's Emergency Motion for Extension of Time and Motion for Expedited Hearing [Doc. 2].

The Appellant originally filed this action on March 15, 2024, noticing her appeal from the Bankruptcy Court's March 15, 2024 Order [BK 23-10104, Doc. 89] lifting an automatic stay against one of the Appellees, David Schulte. [Doc. 1]. On March 25, 2024, the Appellant filed an "Emergency Motion for Extension of Time through 03 April 2024 to file her Motion to Stay the Order Lifting the Automatic Stay and Motion for Expedited Hearing."

[Doc. 2]. This Court denied the Appellant's Motion via text-only order on the same day. [Text-Only Order entered March 25, 2024].

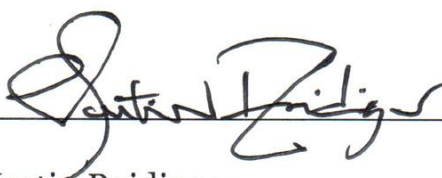
"Ordinarily, a party must move first in the bankruptcy court for . . . a stay of a judgment, order, or decree of the bankruptcy court pending appeal . . . or the suspension or continuation of proceedings in a case." Fed. R. Bankr. P. 8007(a)(1). A motion for such relief may be made in the district court upon a showing that "moving first in the bankruptcy court would be impracticable." Fed. R. Bankr. P. 8007(b)(2)(A). Such a motion must also include . . . the reasons for granting the relief requested." Fed. R. Bankr. P. 8007(b)(3)(A).

The Appellant here has made no indication either that she first moved in the bankruptcy court for the relief sought, or that doing so would be impracticable. As such, this Court lacks any legitimate basis for granting the requested relief, and the Plaintiff's motion must be denied.

IT IS THEREFORE ORDERED that the Appellant's Emergency Motion for Extension of Time and Motion for Expedited Hearing [Doc. 2] is **DENIED**.

IT IS SO ORDERED.

Signed: March 29, 2024



Martin Reidinger
Chief United States District Judge

